

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

United States of America,)	
)	
Plaintiff,)	
)	
vs.)	File No. 1:17-cr-16
)	
Redfawn Fallis,)	
)	
Defendant.)	

PARTIAL TRANSCRIPT OF DIGITALLY
RECORDED DETENTION HEARING

Taken at
United States Courthouse
Bismarck, North Dakota
December 15, 2016

BEFORE THE HONORABLE CHARLES S. MILLER, JR.
-- UNITED STATES DISTRICT COURT MAGISTRATE JUDGE --

APPEARANCES

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FOR THE UNITED STATES

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EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
5	Photograph of Brass Knuckles	19	20
6	Photograph of Raid Spray	19	20
7	Photograph of Knife in Sheath	19	20

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1 (The above-entitled matter came before the Court, The
2 Honorable Charles S. Miller, Jr., United States District Court
3 Magistrate Judge, presiding, commencing at 2:30 p.m.,
4 December 15, 2016, in the United States Courthouse, Bismarck,
5 North Dakota. The following partial proceedings were had and
6 made of record by digital recording in open court with the
7 defendant present.)

8 - - - - -

9 THE COURT: Okay. We'll go on the record in
10 Magistrate's Number 1-16-359, *United States of America versus*
11 *Redfawn Fallis*. Ms. Fallis is present, along with her
12 appointed counsel, Mr. Bellmore. Mr. Hagler is here on behalf
13 of the United States.

14 This is the time that the Court set for the hearing
15 on the issue of release or continued detention. The Court has
16 received a copy of the pretrial services' report. That will be
17 made a part of the record, and the parties can proffer any
18 additions or corrections. Mr. Hagler, you may proceed.

19 MR. HAGLER: Your Honor, before I do that, may I
20 inquire of the Court as to whether or not the Court will
21 consider the evidence that was presented at the preliminary
22 hearing in this matter?

23 THE COURT: Yes, I will.

24 MR. HAGLER: Your Honor, I would call Deputy Rusty
25 Schmidt to testify at this time.

1 OFFICER RUSTY SCHMIDT,
2 having been first duly sworn, was examined and testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. HAGLER:

6 Q. Please state your name.

7 A. Rusty Schmidt.

8 Q. And with whom are you employed, sir?

9 A. Pennington County Sheriff's Office.

10 Q. What position?

11 A. A deputy sheriff.

12 Q. How long have you been a deputy with Pennington County?

13 A. Seven years.

14 Q. Pennington County, Rapid City, South Dakota, is that
15 correct?

16 A. That's correct.

17 Q. All right. You're a -- are you a licensed peace officer
18 in the state of South Dakota?

19 A. I am.

20 Q. Deputy Schmidt, were you in Morton County on October 27th
21 of 2016 assisting local law enforcement in some law enforcement
22 action that day?

23 A. I was.

24 Q. The Court has heard some testimony on Monday of this week
25 regarding some of the activity that occurred that day, and we

1 heard that there were a large number of law enforcement
2 officers present on that -- throughout that day, correct?

3 A. Yep, that's correct.

4 Q. And in particular, Deputy Schmidt, what we're going to
5 talk about here this afternoon is the incident where the
6 defendant, Ms. Fallis, was found to be in possession of a
7 firearm. And you're familiar with that incident, correct?

8 A. I am.

9 Q. Just prior to that incident occurring, what were you
10 doing?

11 A. I was a part of arrest teams, so throughout the day we
12 were -- we were tasked with the protesters that were throwing
13 stuff at law enforcement, refusing to move off the private
14 property. There was agitating in the riot, screaming, getting
15 in the faces of law enforcement. We were tasked to arrest them
16 if we could do so.

17 Q. Okay. And was an individual identified to be arrested
18 that was later identified as Redfawn Fallis?

19 A. Yes.

20 Q. And you were involved in that, correct?

21 A. I was.

22 Q. And you have reviewed a video of -- actually, Government's
23 Exhibit Number 2 from the preliminary hearing that shows some
24 of what happened during that time, correct?

25 A. Correct.

1 Q. I think before we show the video, I'm going to ask you to
2 describe what your involvement was with the takedown and the
3 arrest of Ms. Fallis that day.

4 A. Okay. I was -- again, I was kind of behind the skirmish
5 line of law enforcement. As an arrest team you stay behind
6 that skirmish line until you went to arrest somebody. Deputy
7 Thad Schmitt approached me and told me that there was a female
8 subject with a gas mask on who was getting in the face of law
9 enforcement, screaming at them, refusing to move right away as
10 they directed, and they wished her to be arrested if we could
11 do so. Thad pointed her out. I saw her.

12 It was a few minutes later -- a few moments later
13 that the subject later identified as Redfawn Fallis, she kind
14 of separated from the other group of protesters. She started
15 walking east of 1806, the highway, and at that point, that's
16 when Deputy Thad Schmitt went through the line. I followed
17 him. He went and he ran down the line, wrapped up -- I would
18 say wrapped up the subject. And I ran around, and it appeared
19 she was already on the ground.

20 And at that point I just tried to get control over
21 her. She resisted us the whole time. We tried to -- our goal
22 is to try to pull them back behind the skirmish line of law
23 enforcement, and she was pulling away from us. At one point
24 she had my -- my leg tied up. She wrapped her legs around one
25 of my legs. I pulled that free.

1 We were able to get her on her stomach, and I -- at
2 that point I -- I was able to get a hold of her -- I believe it
3 was her right arm, and get that into a handcuffing position.
4 And just shortly before it was handcuffed, I still recall
5 seeing somebody with a flex cuff, about to put it on her wrist,
6 and -- when I heard a couple of gunshots ring out.

7 At that point I looked down, and there's another
8 gunshot rang out, and I could actually see the round impacting
9 the ground right next to my knee. At that point I could see
10 the gun. She kind of -- it was underneath her stomach. She
11 kind of rolled over to the side. I could see the revolver
12 poking out, so I grabbed onto that revolver and her hand, and I
13 struggled with -- I struggled for control of that for -- for it
14 felt like forever, but 10 to 15 seconds we struggled for that
15 handgun.

16 Let's see. While we were struggling with the
17 handgun, several things happened. I believe it was -- another
18 law enforcement officer ran around to assist, ran around to the
19 left side of me, the east side. And while I was still
20 struggling with it, the gun, I had -- I told him to move
21 because the actual firearm was still -- was pointed at him just
22 from underneath her stomach, so he moves back.

23 I still didn't have a great grip on the firearm. I
24 told Thad Schmitt to -- the exact verb -- I'm not positive of
25 the exact verbiage. I told him to get his gun on her. I was

1 afraid that I was losing -- going to lose control of that gun
2 and she was going to continue shooting at us. Shortly after
3 that I was able to get -- get the gun free and hand it off.

4 And after that a law enforcement officer asked if
5 anyone was hit, and I -- I said I had to check my legs. I
6 wasn't sure. And they pulled me back and checked my legs and
7 checked my torso and --

8 Q. Okay. I'm going to show you this particular video now,
9 Deputy Schmidt.

10 (Exhibit 2, the video, is played in open court.)

11 Q. (MR. HAGLER CONTINUING) All right. Can you see yourself
12 in that video now?

13 A. I can.

14 Q. And are you in the black helmet, black shirt, bent over?

15 A. Yes.

16 Q. Okay.

17 (Exhibit 2, the video, is again played in open
18 court.)

19 Q. (MR. HAGLER CONTINUING) So at this point are you still
20 struggling to get the gun away from her?

21 A. I am.

22 (Exhibit 2, the video, is again played in open
23 court.)

24 Q. (MR. HAGLER CONTINUING) And then can you see here the
25 backside of an individual who is essentially wearing all

1 camouflage?

2 A. Yes.

3 Q. Okay. And he picked -- he picks up the gun in just a few
4 seconds here, if we watch closely, correct?

5 A. That's what it appears, yes.

6 Q. Okay.

7 (Exhibit 2, the video, is again played in open
8 court.)

9 Q. (MR. HAGLER CONTINUING) Okay. Now, Deputy Schmidt, is
10 that -- is that you again in the all black? We see your right
11 -- your right arm and shoulder at that point?

12 A. Yes.

13 Q. Okay. And what were -- what were you doing now, at that
14 point that the gun had been taken away and she had been
15 subdued?

16 A. I was getting checked out, more or less. They wanted to
17 -- I said I had to check my legs because they were -- those
18 rounds impacted right there, so just inches from my knee, so
19 they laid me down here shortly afterwards and they --

20 (Exhibit 2, the video, is again played in open
21 court.)

22 Q. (MR. HAGLER CONTINUING) And now we lose sight of you
23 there behind all the other officers, but you're laying down,
24 and other officers are checking to see if you had been shot,
25 correct?

1 A. Yes.

2 MR. HAGLER: Your Honor, that's all the questions I
3 have for this witness.

4 THE COURT: Mr. Bellmore?

5 MR. BELLMORE: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. BELLMORE:

8 Q. Deputy Schmidt, so I'm clear on what direction everyone is
9 facing here, it's my understanding that part of this
10 Highway 1806, law enforcement was facing to the south?

11 A. I believe that's accurate.

12 Q. They were north of -- north of this line that was moving,
13 this --

14 A. Yeah, the law enforcement, I believe, were facing to the
15 south. And, yeah, the -- the struggle and all that is north of
16 the line, I believe.

17 Q. And the paused video right now at a minute and 29 seconds,
18 to the right of the screen we see a fence line. Would that be
19 to the east?

20 A. As far as I'm aware, I believe that's to the east, yes.

21 Q. Okay. And you testified that at some point Ms. Fallis was
22 tackled to the ground?

23 A. Yeah, wrapped. I saw him wrap up around her and --

24 Q. And that was from a law enforcement officer other than
25 yourself.

1 A. Correct. I saw him wrap up, and as I ran around him, I
2 believe she's already on the ground or going to the ground.

3 Q. The officer -- the officer or officers who were involved in
4 that pulled her out of the -- she's walking back to the protest
5 side of the line?

6 A. She was -- are you talking about prior?

7 Q. Yeah, prior to.

8 A. She was paralleling the law enforcement line and walking
9 to the east, I believe.

10 Q. And she's taken to the ground, and there's several
11 officers surrounding her, correct?

12 A. Yes.

13 Q. You describe that as she was resisting, right?

14 A. Correct.

15 Q. How many officers would you say were involved in that
16 directly?

17 A. I don't know for sure initially. Eventually just -- I
18 mean, Deputy Thad Schmitt and I, and then more came in quickly
19 afterwards, so I would have to -- I could only rely on that to
20 gauge, you know, how many were actually there, five or six or
21 if -- I'd have to rely on the video because at that point I was
22 pretty focused on what I was doing.

23 Q. And with Ms. Fallis on the ground during the struggle,
24 where directionally were you positioned?

25 A. I was just -- I was on her side initially when I gained

1 control of her arm. I believe it was her right arm. I was
2 directly on her right side.

3 Q. From -- from behind?

4 A. I guess I don't know exactly what you're talking about.
5 From where they are now -- prior to when we're struggling, you
6 see me go over there. I'm -- when we get her on her stomach to
7 get her in a handcuffed position, I am on her right side. I
8 guess it would be to the east, I believe.

9 Q. And which direction would you be facing at that point?

10 A. I probably -- you know, I can only assume I was facing
11 west because I was looking across her as I'm holding her arm.

12 Q. And my understanding and from viewing the video is that
13 Ms. Fallis is -- her head is faced to the north, her feet to
14 the south or in that general direction?

15 A. I could say in that general direction.

16 Q. Okay. And she's -- she's on her -- she's face down when
17 she's on her --

18 A. Yep, she's on her stomach at this point.

19 Q. And the -- when the -- when the shots are fired -- and you
20 noticed the third particularly or visually.

21 A. Yeah. Yep, striking next to my knee.

22 Q. What direction would that have been going?

23 A. At that point I believe that would have been towards
24 the -- towards the east is where that would have been because I
25 was on the east side of her.

1 Q. So my understanding is she's on her belly shooting behind
2 her.

3 A. She'd be on her belly shooting to the side of her.

4 Q. And during the first -- first two shots that we heard --
5 well, let me go back. When did you -- when did you first
6 notice the revolver?

7 A. I believe it was after the third round.

8 Q. So you were right there on her, trying to manage her right
9 arm, correct?

10 A. Correct.

11 Q. And you didn't notice or see the revolver at that time.

12 A. No, I believe it was under her stomach.

13 Q. So it's fair to say that it wasn't trained on any
14 particular officer?

15 A. I couldn't tell you. It was under her stomach.

16 Q. Now, there were other officers in the video. Did you
17 observe any of them, you know, using any sort of physical
18 tactic to get her to ease the resistance?

19 A. I couldn't see any that -- I was pretty -- again, I was --
20 I was pretty focused on just trying to gain control of her arm.
21 I knew there was another officer about to have a flex cuff on
22 her.

23 Q. I think I saw in the video, and it was -- it wouldn't have
24 been a view of -- of an officer with his knee to the back of
25 Ms. Fallis's leg. Did you -- did you notice any officers

1 employing tactics such as that?

2 A. I can't say I did.

3 Q. Are you trained in those tactics?

4 A. Am I trained in like defensive tactics and things? Yes.

5 Q. And that would be to apply a lot of pressure to get the
6 suspect, the defendant to comply with law enforcement
7 directive?

8 A. I guess I can't speak for the training of whatever officer
9 you saw.

10 Q. But with all those officers around, you weren't the only
11 one that had a physical hold of Ms. Fallis, correct?

12 A. I don't know. I mean, again, I'm very focused in trying
13 to control this arm. I know there's other officers around me,
14 and I'm sure they're trying to gain control of her. Again, she
15 was resisting the whole time, but I can't speak for how they
16 were doing that.

17 Q. You weren't able to observe what the other officers were
18 doing, is what you're saying, more or less.

19 A. Correct, especially after the gunshots rang out. I -- and
20 the struggle for the gun, I was pretty focused there.

21 MR. BELLMORE: That's all the questions I have for
22 now.

23 THE COURT: Sir, I have a couple of questions.

24 ///

25 ///

EXAMINATION

1
2 BY THE COURT:

3 Q. From the perspective that you were at, what hand did she
4 engage with the weapon? Was it her right or her left, if you
5 know?

6 A. Your Honor, I believe it would have been her left arm that
7 was under her stomach that was -- that was doing the shooting.

8 Q. Because you were controlling the right arm?

9 A. Yep. I believe so, yep.

10 Q. And in response to Mr. Hagler's questions, you used the
11 words or the phrase, "continue shooting at us." Is that -- did
12 you reach the conclusion, if you were able to reach a
13 conclusion, that she was purpose -- purposefully discharging
14 the weapon with the intent of shooting or scaring someone as
15 opposed to it accidentally going off?

16 A. Oh, I have no doubt, Your Honor, that it was intentional,
17 and especially after I saw the gun and was able to try to -- I
18 had to struggle with her for a long period of time. She
19 wouldn't let go of it.

20 Q. During -- during the period of time from when you first
21 saw the gun or first became aware of a weapon because of the
22 discharge of the shots, was there any communication between you
23 and her or from other officers to her, directing her not to use
24 the firearm or to stop, or whatever?

25 A. I -- I yelled -- I said "gun" when I saw it. Again,

1 the -- it was all pretty quick together, the quick two
2 succession shots, and then there's a little break, and then the
3 third shot. And then I saw it and I yelled -- I said "gun."
4 And when I grabbed on it, was struggling with her for it, I
5 told Deputy Thad Schmitt to put his gun on her, however I
6 verbalized that, because, again, I was concerned I was going to
7 lose grip. And I believe at that point I recall him saying
8 something like, "You need to let go of the gun or you're going
9 to get shot," something of that nature.

10 THE COURT: Mr. Hagler?

11 MR. HAGLER: I have no further questions, Your Honor.

12 THE COURT: Mr. Bellmore, anything further?

13 MR. BELLMORE: No, Your Honor.

14 THE COURT: Okay. You may be excused. Thank you,
15 sir.

16 THE WITNESS: Thank you, sir.

17 MR. HAGLER: Your Honor, I would call ATF Agent Derek
18 Hill at this time.

19 DEREK HILL,

20 having been first duly sworn, was examined and testified as
21 follows:

22 DIRECT EXAMINATION

23 BY MR. HAGLER:

24 Q. Agent Hill, you're employed with which agency?

25 A. I'm a special agent with the Bureau of Alcohol, Tobacco,

1 Firearms and Explosives out of the Bismarck satellite office.

2 Q. You testified at the preliminary hearing on this matter on
3 December 12th, correct?

4 A. Yes, I did.

5 Q. And you testified as to her Colorado 2003 conviction for
6 accessory to a crime that was admitted as Preliminary Hearing
7 Exhibit 1, correct?

8 A. That's correct.

9 Q. What crime was she an accessory to?

10 A. Attempted first degree murder.

11 Q. In your review of the other law enforcement officers'
12 reports in this incident that were involved -- that were in the
13 area at the time that the shooting occurred, did other officers
14 report that they felt they were either hit from debris due to
15 the gunshots or felt a concussion from the gunshots?

16 A. Yes, there were.

17 Q. Do you know how many officers reported that?

18 A. I think approximately three. I know a North Dakota
19 trooper -- I'm not sure of pronunciation of his last name,
20 maybe Buehre or Beree (ph). He said he could feel the
21 concussion from the shots that went off. And then there was
22 another trooper, Mogan (ph) or Mugan, who said he could feel
23 the dirt from the shot hit his pant legs, but at the time when
24 the dirt hit it, he wasn't sure if it was actually from the
25 dirt or a round hitting his pant legs. And I believe there was

1 another one or two that talked about feeling the concussion or
2 seeing -- I think one in particular said that they could see
3 maybe some light smoke rising up from underneath Ms. Fallis's
4 stomach from when the shot went off -- the shots went off.

5 Q. Okay. I'm going to just show a short portion of this
6 video again, and at about 1:25 we'll see one of the officers
7 check his leg.

8 (Exhibit 2, the video, is again played in open
9 court.)

10 Q. (MR. HAGLER CONTINUING) Do you see that right there --

11 A. Yes, I do.

12 Q. -- Agent Hill? You testified at the preliminary hearing
13 and we admitted exhibits showing the gun and some .38-caliber
14 rounds that were on some speed strips or speed loaders,
15 correct?

16 A. That's correct.

17 Q. I'm going to hand you what have been marked as
18 Government's Exhibits 5, 6 and 7. Are these photographs of
19 items that were also found on Ms. Fallis that day?

20 A. Yes, they were items that were recovered from her backpack
21 that she was wearing.

22 Q. And the photographs are fair and accurate depictions of
23 those items that were found in the backpack?

24 A. Yes.

25 MR. HAGLER: Your Honor, I would offer 5, 6 and 7.

1 THE COURT: Mr. Bellmore?

2 MR. BELLMORE: No objection.

3 THE COURT: Exhibits 5, 6 and 7 are received.

4 Q. (MR. HAGLER CONTINUING) Exhibit 5 is what, Agent Hill?

5 A. It's a set of what we refer to as brass knuckles.

6 Q. What is Government's Exhibit 6?

7 A. Six is a can of Raid wasp and hornet spray.

8 Q. And what is Government's Exhibit 7?

9 A. Seven is a small knife in a black plastic sheath.

10 Q. Agent Hill, were -- are you aware of the fact that Ms.
11 Fallis was charged with criminal offenses in Morton County
12 prior to this incident on October 27th?

13 A. Yes, I am.

14 Q. And what did your investigation show in that regard?

15 A. In August of this year, 2016, she was charged with a
16 disorderly conduct, and that disorderly conduct was related to
17 protest activities that occurred in Morton County. She was
18 arrested, booked in, posted a bond and was released.

19 Then in September of this year, of 2016, she was
20 arrested again for criminal trespass -- or arrested for
21 criminal trespass. This, again, was an activity related to
22 protest events that were going on. She was booked into the
23 Morton County jail, posted a bond and was released.

24 Q. So she had been released on bond on pending criminal
25 charges at the time that this alleged offense occurred,

1 correct?

2 A. That is correct.

3 MR. HAGLER: That's all the questions I have, Your
4 Honor.

5 THE COURT: Mr. Bellmore?

6 CROSS-EXAMINATION

7 BY MR. BELLMORE:

8 Q. Agent Hill, you mentioned that there was a prior felony
9 conviction on Ms. Fallis's record, correct?

10 A. That's correct.

11 Q. You described that today as an accessory to attempted
12 first degree murder?

13 A. That's what the original Complaint was on it, correct.

14 Q. The original one, right, and that --

15 A. Yes.

16 Q. And the conviction was a Class 6 felony out of the state
17 of Colorado, right?

18 A. That's correct.

19 Q. We talked about that on the preliminary hearing. That
20 Class 6 felony in Colorado carries a maximum term of
21 imprisonment of 18 months.

22 A. That's correct.

23 Q. And that's not the sentence she received, though, is it?

24 A. That is not.

25 Q. Do you recall what -- that sentence she received in that

1 case?

2 A. I believe it was 30 months of supervised release,
3 probation.

4 Q. Any term of imprisonment associated with that?

5 A. No.

6 MR. BELLMORE: That's all the questions I have.

7 EXAMINATION

8 BY THE COURT:

9 Q. Do you know anything else about the circumstances of that
10 offense in terms of who was killed, how the person was killed,
11 whether a firearm was involved?

12 A. I'm not aware. I only had the Complaint information to go
13 by where it just spelled out in her charges to knowingly impede
14 and hinder the investigation into the individual that was
15 responsible for the crime.

16 THE COURT: Anything further of this witness,
17 Mr. Hagler?

18 MR. HAGLER: No, Your Honor.

19 THE COURT: Mr. Bellmore, anything as a result of my
20 questioning?

21 MR. BELLMORE: Nothing further, Your Honor.

22 THE COURT: You may be excused. Thank you, sir.

23 MR. HAGLER: I have no further evidence to present,
24 Your Honor.

25 THE COURT: Mr. Bellmore?

1 MR. BELLMORE: May we have a moment, Your Honor?

2 THE COURT: Sure.

3 MR. BELLMORE: Your Honor, I have one witness.

4 THE COURT: Okay.

5 MR. BELLMORE: Ms. Red Dawn Fallis (sic).

6 RED DAWN FOSTER,

7 having been first duly sworn, was examined and testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. BELLMORE:

11 Q. Excuse me. I'm sorry, Red Dawn. I think I misspoke
12 referring to your name. Could you state the name for the
13 record, please?

14 A. Oh, Red Dawn Foster.

15 Q. Foster?

16 A. F-O-S-T-E-R.

17 Q. Thank you. And what is your address?

18 A. 3719 Arizona Street, Rapid City, South Dakota 57701.

19 Q. And you know the defendant?

20 A. Yes.

21 Q. How do you know her?

22 A. She is my first -- my first cousin; in Lakota way, my
23 little sister.

24 Q. How long have you known Redfawn?

25 A. Since she was born.

1 Q. And you live in Rapid City. Who do you live with there?

2 A. I live with our other relative, Arrow Banks.

3 Q. She go by another name?

4 A. Arrow Garnier. Sorry.

5 Q. What's the difference between those two names?

6 A. Her married name.

7 Q. Okay. Is that a home -- a house? Excuse me.

8 A. Yes, it is.

9 Q. And how many people live in that house?

10 A. Three. Oh, and two children.

11 Q. And that's the residence with you that Redfawn would --

12 A. Yes.

13 Q. -- be requesting to the Court?

14 A. Mm-hmm.

15 Q. Yes?

16 A. Yes.

17 Q. And that's something you're in agreement with?

18 A. Yes.

19 Q. Can you tell -- Arrow is not in the court -- courtroom
20 today, is she?

21 A. No, she is not. She had -- had to work, but she is in
22 agreement, and we're both looking forward to it.

23 Q. And how old are you?

24 A. I am 42.

25 Q. And how old is Arrow?

1 A. Forty-two.

2 Q. Are there -- who else lives in the house?

3 A. She has another nurse that rents one of the rooms in the
4 basement, and I believe she's 26 years old. Her name is
5 Angelique.

6 Q. Angelique, to your knowledge, have a criminal history?

7 A. No, she does not.

8 Q. Does Arrow have a criminal record?

9 A. No.

10 Q. Do you?

11 A. No.

12 Q. Are there any firearms in the home?

13 A. No.

14 Q. Are you employed?

15 A. Yes, I am. I'm an independent consultant. I work for the
16 Oglala Sioux Tribe in economic development.

17 Q. And what do you do there?

18 A. I -- business solutions. I'm creating their
19 (unintelligible) sovereignty program for the tribe, as well as
20 other economic development projects.

21 Q. Essentially grant writing?

22 A. Grant writing is a part of it. Strategic planning and --
23 is the main component of it.

24 Q. And what's your educational background?

25 A. I have my undergrad from University of Colorado in

1 political science and my MBA from the University of Notre Dame
2 and with an emphasis on economic development.

3 Q. And what does Arrow do for a living? You mentioned she
4 worked.

5 A. Yes, she is a registered -- RN, and she also has her
6 Master's. She works at the IHS hospital in Rapid -- or in Pine
7 Ridge.

8 Q. Okay. Do you have transportation?

9 A. Yes, I do.

10 Q. Do you own a vehicle?

11 A. Yes, I do.

12 Q. Does Arrow own a vehicle?

13 A. Yes.

14 Q. You came from Rapid City today.

15 A. I actually came from Denver today.

16 Q. Okay. So you have a car. You have the ability to
17 transport Redfawn if she has to make court appearances.

18 A. Yes, I do.

19 Q. And if I didn't ask, there's -- there's room for her in
20 the home?

21 A. Yes, there is. It's -- it's a large home.

22 Q. And I think you mentioned to me that there was possibility
23 that Redfawn could spend her time working for you?

24 A. Yes. As I'm -- was actually looking for an assistant to
25 work on the strategic (unintelligible) for the tribe, and I

1 would like her to work on that project with me.

2 Q. Okay. You were down on Standing Rock during the -- say
3 the height of the protest, correct?

4 A. So I've -- I was running for state legislature in our
5 district in South Dakota, so I would come during the weekends
6 and, you know, bring just support and supplies like sleeping
7 bags and tents, so my time was spent going back and forth.

8 Q. And your time at Standing Rock was spent peacefully,
9 correct?

10 A. Absolutely.

11 Q. Okay. And if there's a condition or if Redfawn agreed
12 that she wouldn't go to Standing Rock, she wouldn't engage in
13 any protests associated with the -- with the pipeline, you'd be
14 able to help -- help her abide by that?

15 A. Yes. Chairman Dave Archambault has asked everybody to
16 leave, and I have not been back to the camp since he's
17 requested that, you know, people leave, and we've -- we do not
18 have plans to go back.

19 MR. BELLMORE: That's all the questions I have.

20 THE COURT: Mr. Hagler?

21 CROSS-EXAMINATION

22 BY MR. HAGLER:

23 Q. So in what timeframes were you at Standing Rock during
24 this protest time?

25 A. I was there in June, back and forth, July, September, just

1 throughout the -- you know, any time I had free time.

2 Q. Were you there in October?

3 A. I was there during October, yes. I went there on the
4 28th, so after I heard that -- I got a phone call saying that
5 my little sister had been like attacked and that I needed to
6 get down there because they were worried that she was injured,
7 and so when I came back, I started looking for her, and I
8 couldn't -- I couldn't find her. And I called a couple of the
9 police stations looking for her, and there was no information,
10 and so I sat three days there looking.

11 THE COURT: Could you pull the microphone up to you
12 just a little bit? Thank you, ma'am.

13 Q. (MR. HAGLER CONTINUING) So were you -- were you aware in
14 any way of any -- the activity that she was engaging in at this
15 timeframe?

16 A. She worked -- she was certified as a medic. She went
17 through the medic training there, and I know that she was
18 working with the International Youth Council there. And
19 whenever I'd go, we'd help cook and just do different support
20 things and just assist with the kids. She's very empowering
21 with a lot of the youth, and I also work with youth, so I had
22 some of my former students from the high school there, and so
23 just looking out for them. I work for the tribe, so part of my
24 duties was to come and look at the Oglala camp and make sure
25 that everyone's, you know, needs were being met and everyone

1 was in, you know, good spirits and --

2 Q. What about any of the other protest activity that she was
3 engaged in? Were you aware of any of that?

4 A. I know that she was helping people on the front line
5 during -- during this time as a medic, and so -- and I had, you
6 know, taken water during some of the -- the direct action, you
7 know, prayer movements and --

8 MR. HAGLER: Okay. I have no other questions, Your
9 Honor.

10 THE COURT: Mr. Bellmore?

11 MR. BELLMORE: No further questions.

12 THE COURT: Okay. You may be excused. Thank you,
13 ma'am.

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